

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

THE GIVING BACK FUND, INC.

Plaintiff

v.

MARK STEVERSON, RUDOLPH & BEER,  
LLP., LAURENCE H. RUDOLPH and  
CORINA BIGGAR

Defendants

CIVIL ACTION NO. 02-CV-104446 RWZ

FILED  
IN CLERK'S OFFICE  
APR 5 2 56  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

DEFENDANTS, MARK STEVERSON, RUDOLPH & BEER, LLP, LAURENCE H.  
RUDOLPH AND CORINA BIGGAR'S, MOTION TO DISMISS

Pursuant to the applicable Federal Rules of Civil Procedure and the Court's inherent power to regulate matters before it, the Defendants Mark Steverson, Rudolph & Beer, LLP, Laurence H. Rudolph and Corina Biggar, by their attorneys, Peabody & Arnold LLP, hereby move, to dismiss this present action against them. The Defendants seek dismissal of the Complaint on the following grounds:

1. The Court lacks personal jurisdiction over the Defendants; and
2. The Plaintiff fails to state a claim against the Defendants upon which relief can be granted.

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In support of this Motion, the Defendants rely on their Memorandum and Affidavits of Corrina Biggar, Mark Steverson, Laurence H. Rudolph and Paul T. Muniz filed herewith.

REQUEST FOR ORAL ARGUMENT

The Defendants request oral argument on this motion.

Respectfully submitted:

MARK STEVERSON, RUDOLPH & BEER, LLP,  
LAURENCE H. RUDOLPH and  
CORINA BIGGAR,

By their Attorneys,

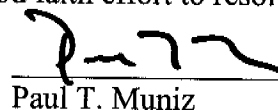


Michael P. Duffy, BBO #137325  
Paul T. Muniz, BBO #564786  
Peabody & Arnold LLP  
50 Rowes Wharf  
Boston, MA 02110  
(617) 951-2100

Dated: April 5, 2002

**LR. 7.1(A)(2) CERTIFICATION**

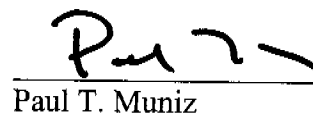
I certify that counsel have conferred in a good faith effort to resolve or narrow the issues.

  
Paul T. Muniz

**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a true and accurate copy of the within to David S. Rosenthal, Hutchins, Wheeler & Dittmar, 101 Federal Street, Boston, Massachusetts 02110, attorney of record for the plaintiff.

Dated: April 5, 2002

  
Paul T. Muniz

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